

SENATE COMMITTEE OF REFERENCE REPORT

Chairman of Committee

March 22, 2017

Date

Committee on Judiciary.

After consideration on the merits, the Committee recommends the following:

HB17-1220 be amended as follows, and as so amended, be referred to the Committee of the Whole with favorable recommendation:

- 1 Amend reengrossed bill, page 4, line 11, strike "IT" and substitute
- 2 "EXCEPT AS PROVIDED IN SECTION 25-1.5-106 (8.5)(a.5)(I) OR SECTION
- 3 25-1.5-106 (8.6)(a)(I)(B) FOR A MEDICAL MARIJUANA PATIENT OR A
- 4 PRIMARY CAREGIVER WITH A TWENTY-FOUR-MARIJUANA-PLANT-COUNT
- 5 EXCEPTION TO SUBSECTION (3)(a)(II)(A) OF THIS SECTION, IT".

- 6 Page 4, line 14, after "PLANTS" insert "ON OR".

- 7 Page 4, lines 15 and 16, strike "MORE THAN SIXTEEN MARIJUANA" and
- 8 substitute "THE".

- 9 Page 5, line 5, strike "LEVEL 4 DRUG FELONY" and substitute "LEVEL 1
- 10 DRUG MISDEMEANOR".

- 11 Page 5, line 7, strike "THIRTY" and substitute "TWENTY-FOUR".

- 12 Page 5, line 9, strike "THIRTY" and substitute "TWENTY-FOUR".

- 13 Page 5, line 14, after ""FLOWERING"" insert "MEANS".

- 14 Page 5, line 16, strike "NODES." and substitute "NODES IN THE STEM.".

- 15 Page 5, strike lines 17 through 20 and substitute:

1 "(II) "PLANT" MEANS ANY CANNABIS PLANT IN A CULTIVATING
2 MEDIUM WHICH PLANT IS MORE THAN FOUR INCHES WIDE OR FOUR INCHES
3 HIGH OR A FLOWERING CANNABIS PLANT REGARDLESS OF THE PLANT'S
4 SIZE."

5 Page 5, strike line 24 and substitute "COOKING, AND SANITATION."

6 Page 7, line 5, strike "(a.5)" and substitute "(a.5)(I)".

7 Page 7, strike lines 9 through 19 and substitute "OR PERMANENTLY, AT
8 THE PROPERTY; EXCEPT THAT IT IS UNLAWFUL FOR A PATIENT TO POSSESS
9 AT OR CULTIVATE ON OR IN A RESIDENTIAL PROPERTY MORE THAN
10 TWENTY-FOUR MARIJUANA PLANTS REGARDLESS OF THE NUMBER OF
11 PERSONS RESIDING, EITHER TEMPORARILY OR PERMANENTLY, AT THE
12 PROPERTY IF A PATIENT:

13 (A) LIVES IN A COUNTY, MUNICIPALITY, OR CITY AND COUNTY
14 THAT DOES NOT LIMIT THE NUMBER OF MARIJUANA PLANTS THAT MAY BE
15 GROWN ON OR IN A RESIDENTIAL PROPERTY;

16 (B) REGISTERS PURSUANT TO THIS SUBSECTION (8.5) WITH THE
17 STATE LICENSING AUTHORITY'S REGISTRY; AND

18 (C) PROVIDES NOTICE TO THE APPLICABLE COUNTY, MUNICIPALITY,
19 OR CITY AND COUNTY OF HIS OR HER RESIDENTIAL CULTIVATION
20 OPERATION IF REQUIRED BY THE JURISDICTION. A LOCAL JURISDICTION
21 SHALL NOT PROVIDE THE INFORMATION PROVIDED TO IT PURSUANT TO THIS
22 SUBSECTION (8.5)(a.5)(I)(C) TO THE PUBLIC, AND THE INFORMATION IS
23 CONFIDENTIAL.

24 (II) A PATIENT WHO CULTIVATES MORE MARIJUANA PLANTS THAN
25 PERMITTED IN SUBSECTION (8.5)(a.5)(I) OF THIS SECTION SHALL LOCATE
26 HIS OR HER CULTIVATION OPERATION ON A PROPERTY, OTHER THAN A
27 RESIDENTIAL PROPERTY, WHERE MARIJUANA CULTIVATION IS ALLOWED BY
28 LOCAL LAW AND SHALL COMPLY WITH ANY APPLICABLE LOCAL LAW
29 REQUIRING DISCLOSURE ABOUT THE CULTIVATION OPERATION.
30 CULTIVATION OPERATIONS CONDUCTED IN A LOCATION OTHER THAN A
31 RESIDENTIAL PROPERTY ARE SUBJECT TO ANY COUNTY AND MUNICIPAL
32 BUILDING AND PUBLIC HEALTH INSPECTION REQUIRED BY LOCAL LAW. A
33 PERSON WHO VIOLATES THIS SUBSECTION (8.5)(a.5) IS SUBJECT TO THE
34 OFFENSES AND PENALTIES DESCRIBED IN SECTION 18-18-406."

35 Page 8, strike lines 5 through 15 and substitute "OR PERMANENTLY, AT
36 THE PROPERTY; EXCEPT THAT IT IS UNLAWFUL FOR A PRIMARY CAREGIVER
37 TO POSSESS AT OR CULTIVATE ON OR IN A RESIDENTIAL PROPERTY MORE

1 THANTWENTY-FOUR MARIJUANA PLANTS REGARDLESS OF THE NUMBER OF
2 PERSONS RESIDING, EITHER TEMPORARILY OR PERMANENTLY, AT THE
3 PROPERTY IF A PRIMARY CAREGIVER:
4 (I) LIVES IN A COUNTY, MUNICIPALITY, OR CITY AND COUNTY THAT
5 DOES NOT LIMIT THE NUMBER OF MARIJUANA PLANTS THAT MAY BE
6 GROWN ON OR IN A RESIDENTIAL PROPERTY;
7 (II) IS REGISTERED PURSUANT TO THIS SUBSECTION (8.6) WITH THE
8 STATE LICENSING AUTHORITY'S REGISTRY; AND
9 (III) PROVIDES NOTICE TO THE APPLICABLE COUNTY,
10 MUNICIPALITY, OR CITY AND COUNTY OF HIS OR HER RESIDENTIAL
11 CULTIVATION OPERATION IF REQUIRED BY THE JURISDICTION. A LOCAL
12 JURISIDICTGION SHALL NOT PROVIDE THE INFORMATION PROVIDED TO IT
13 PURSUANT TO THIS SUBSECTION (8.6)(a)(I)(B) TO THE PUBLIC, AND THE
14 INFORMATION IS CONFIDENTIAL.
15 (C) ANY PRIMARY CAREGIVER WHO CULTIVATES MORE MARIJUANA
16 PLANTS THAN PERMITTED IN SUBSECTION (8.6)(a)(I)(B) OF THIS SECTION
17 SHALL LOCATE HIS OR HER CULTIVATION OPERATION ON A PROPERTY,
18 OTHER THAN A RESIDENTIAL PROPERTY, WHERE MARIJUANA CULTIVATION
19 IS ALLOWED BY LOCAL LAW AND SHALL COMPLY WITH ANY APPLICABLE
20 LOCAL LAW REQUIRING DISCLOSURE ABOUT THE CULTIVATION OPERATION.
21 CULTIVATION OPERATIONS CONDUCTED IN A LOCATION OTHER THAN A
22 RESIDENTIAL PROPERTY ARE SUBJECT TO ANY COUNTY AND MUNICIPAL
23 BUILDING AND PUBLIC HEALTH INSPECTION REQUIRED BY LOCAL LAW. A
24 PERSON WHO VIOLATES THIS SUBSECTION (8.6)(a)(I) IS SUBJECT TO THE
25 OFFENSES AND PENALTIES DESCRIBED IN SECTION 18-18-406."

26 Strike "SIXTEEN" and substitute "TWELVE" on: **Page 4**, lines 7, 9, and 14;
27 **Page 7**, line 7; and **Page 8**, line 3.

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